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10/709,206	04/21/2004	Charles Cook	GSTS 0102 PA	3205
27256	7590	07/24/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			COZART, JERMIE E	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/709,206

**Applicant(s)**

COOK, CHARLES

**Examiner**

Jermie Cozart

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 66A, 66B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The use of the trademarks **STARTRACK, NORDOT 346, THIOLON XPS, THIOLON XP, THIOLON LSR, GAME DAY GRASS Xp<sup>e</sup>, and THIOLON XPE** has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

4. Claims 24 and 26 are objected to because of the following informalities: In **claim 1**, *line 1*, "one" is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "one"; In **claim 26**, *line 6*, "to" is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "to".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15,17, 25-28, 32, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 15 contains the trademark/trade name Nordot 346. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material

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or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an adhesive and, accordingly, the identification/description is indefinite.

8. Claim 17 contains the trademark/trade name Thiolon XPS, Thiolon XP, and Thiolon LSR. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a synthetic grass surface and, accordingly, the identification/description is indefinite.

9. Claim 25 recites the limitation "said pallets" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 26 recites the limitation "the modular playing field" in line 2 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

11. Claim 26 recites the limitation "said pallets" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 27 recites the limitation "said layer of rubber infill" in line 3 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

13. Claim 28 recites the limitation "said layer of rubber infill" in line 3 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

14. Claim 32 recites the limitation "said layer of rubber infill" in line 3 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

15. Claim 33 recites the limitation "said layer of rubber infill" in line 3 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 12, 15, 18, 19, 21-23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al. (3,735,988) in view of Lemieux (US 6,740,387 B1).

Palmer discloses assembling a modular sports field (110) by forming a plurality of modular units (111), each of the plurality of modular units comprising a modular base structure (136), an elastomeric material (i.e. industrial lightweight plastic; 113) coupled

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to a top side of the modular base structure, a synthetic turf material layer (137,138) coupled onto the elastomeric material, and the synthetic turf material layer comprising a plurality of synthetic grass strands (138) in a backing layer (137). Palmer discloses the fibrillated synthetic grass strands having a first pile length extending from the backing layer. Palmer discloses placing at least two of the plurality of modular base structures (136) on a relatively flat surface in a desired configuration, and substantially abutting one of the at least two of the plurality of modular base structures (136) to an adjacent one of the at least two of the plurality of modular base structures such that the synthetic turf material layer (137, 138) of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of modular base structures. Palmer discloses fastening (via slots 117, projections 116, and Velcro strips; col. 5, lines 57-64) one of the at least two of the plurality of modular base structures to the adjacent one of the at least two of the plurality of modular base structures. *See column 5, lines 57 – column 6, line 68, and figure 9 for further clarification.*

Palmer, however, does not disclose the following: the grass strands being tufted into the backing layer; the first pile length being between about 0.5 and 2.5 inches; the synthetic turf material layer being formed utilizing a knit-to-knit process; the plurality of fibrillated synthetic grass strands having a denier of at least 10000; or the backing material comprising one or more layers of a double woven polypropylene backing material.

Lemieux discloses fibrillated synthetic grass strands (12) being tufted into a backing layer (14), wherein the first pile length is 5/8 inch. Lemieux also discloses the

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synthetic turf material layer being formed utilizing a knit-to-knit process (col. 4, lines 43-46), the plurality of fibrillated synthetic grass strands having a denier of at least 10000 (col. 4, lines 43-46), and the backing material (14) comprising one or more layers of a double woven polypropylene backing material (col. 2, lines 60-64). The benefits of using the artificial turf layer of Lemieux is that the synthetic grass carpet produces an effect strikingly similar to a natural grass playing surface formed particularly for golf courses. *See column 2, line 66 – column 4, line 46, and figures 1-5 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the synthetic grass strands of Palmer as fibrillated synthetic grass strands and tuft the strands into the backing layer, to form the first pile length of Palmer between about 0.5 and 2.5 inches, to form the synthetic turf material layer of Palmer utilizing a knit-to-knit process, to form the plurality of synthetic grass strands having a denier of at least 10000, and to form the backing material of Palmer from one or more layers of a double woven polypropylene backing material, in light of the teachings of Lemieux, in order to produce an effect strikingly similar to a natural grass playing surface formed particularly for golf courses.

Regarding the optional limitations of **claims 12, 15, 21, 22, and 29**, those limitations are obvious since they are only recited as being optional.

18. Claims 12, 14, 15, 17, 18, 21, 22, 29, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prevost (US 2004/0058096 A1) in view of Starp (5,082,712).



Prevost`096 discloses assembling a modular sports field (100) by forming a plurality of modular units (20), each of the plurality of modular units comprising an elastomeric material (22), a synthetic turf material layer (24) coupled onto the elastomeric material, and the synthetic turf material layer comprising a plurality of fibrillated synthetic grass strands (28) in a backing layer (26). Prevost`096 discloses by incorporation by reference to U.S. Patent No. 5,958,527 that the strands are fibrillated synthetic grass strands having a first pile length between about 0.5 and 2.5 inches extending from the backing layer (26). Prevost`096 discloses the elastomeric layer comprising a rubber based elastomeric layer (page 3, paragraph [0049]), and the turf material layer being formed utilizing a knit-to-knit process as incorporated by reference to U.S. Patent No. 5,958,527. Prevost`096 discloses fastening the elastomeric layer to the synthetic turf material layer using at least one mechanical fastener (34,36; paragraph [0050]). Prevost`096 also discloses the use of a forklift vehicle (38) to move the modular units to and from a storage area. *See pages 3, 4, 8, figures 1-3d, and 14 for further clarification.*

Prevost, however, does not disclose the following: a modular base structure; placing at least two of the plurality of modular base structures on a relatively flat surface in a desired configuration; substantially abutting one of the at least two of the plurality of modular base structures to an adjacent one of the at least two of the plurality of modular base structures such that the synthetic turf material layer of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of modular base structures; or the synthetic turf material layer

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comprising a fibrillated synthetic grass surface selected from the group consisting of Thiolon XPS, Thiolon XP and Thiolon LSR.

Starp discloses a modular base structure (15), placing at least two of the plurality of modular base structures (15) on a relatively flat surface in a desired configuration, and substantially abutting one of the at least two of the plurality of modular base structures (15) to an adjacent one of the at least two of the plurality of modular base structures such that the synthetic turf material layer of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of modular base structures. The modular base structure (15) provides high stability and greater strength to the floor covering. *See column 6, line 46 – column 8, line 11, and figures 1-7 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a modular base structure for the modular unit of Prevost '096, to place at least two of the plurality of modular base structures on a relatively flat surface in a desired configuration, and to substantially abut one of the at least two of the plurality of modular base structures to an adjacent one of the at least two of the plurality of modular base structures such that the synthetic turf material layer of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of modular base structures, in light of the teachings of Starp, in order to provide high stability and strength to the artificial surface.

Regarding the optional limitations of claims 12, 15, 21, 22, and 29, those limitations are obvious since they are only recited as being optional.

Regarding claim 17, Prevost`096/Starp discloses all of the claimed subject matter except for the synthetic turf material layer selected from the group consisting of Thiolon XPS, Thiolon XP, and Thiolon LSR.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the fibrillated synthetic grass surface of Prevost`096/Starp from Thiolon XPS, Thiolon XP, or Thiolon LSR because Applicant has not disclosed that making the fibrillated synthetic grass surface of Prevost`096/Starp from Thiolon XPS, Thiolon XP, or Thiolon LSR provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the fibrillated synthetic grass of Prevost`096/Starp because the synthetic grass is durable for use as part of a modular sports field.

Therefore, it would have been an obvious matter of design choice to modify Prevost`096/Starp to obtain the invention as specified in claim 17.

19. Claims 12-15, 17, 18, 21-24, 29-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prevost (US 2004/0058096 A1) in view of Ripley, Sr. et al. (5,595,021).

Prevost`096 discloses assembling a modular sports field (100) by forming a plurality of modular units (20), each of the plurality of modular units comprising an

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elastomeric material (22), a synthetic turf material layer (24) coupled onto the elastomeric material, and the synthetic turf material layer comprising a plurality of fibrillated synthetic grass strands (28) in a backing layer (26). Prevost`096 discloses by incorporation by reference to U.S. Patent No. 5,958,527 that the fibrillated synthetic grass strands having a first pile length between about 0.5 and 2.5 inches extending from the backing layer. Prevost discloses the elastomeric layer comprising a rubber based elastomeric layer (page 3, paragraph [0049]), and the turf material layer being formed utilizing a knit-to-knit process by incorporation by reference to U.S. Patent No. 5,958,527. Prevost`096 discloses fastening the elastomeric layer to the synthetic turf material layer using at least one mechanical fastener (34,36; paragraph [0050]). Prevost`096 also discloses the use of a forklift vehicle (38) to move the modular units to and from a storage area. *See pages 3, 4, 8, figures 1-3d, and 14 for further clarification.*

Prevost, however, does not disclose the following: a modular base structure; the modular base structure comprising a plurality of pallets fastened together in a rectangular configuration; placing at least two of the plurality of modular base structures on a relatively flat surface in a desired configuration; substantially abutting one of the at least two of the plurality of modular base structures to an adjacent one of the at least two of the plurality of modular base structures such that the synthetic turf material layer of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of modular base structures; the synthetic turf material layer comprising a fibrillated synthetic grass surface selected from the group consisting of Thiolon XPS, Thiolon XP and Thiolon LSR; fastening one of the

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two of the plurality of modular base structures to the adjacent one of the at least two of the plurality of base structures; or the fastening being performed utilizing 3/8 inch all-thread rods with coarse-thread hex nuts and 5/16 washers.

Ripley discloses a modular base structure wherein the modular base structure comprising a plurality of pallets (20) fastened together via fastening means (60) in a rectangular configuration (fig. 13) and placing at least two of the plurality of modular base structures on a relatively flat surface in a desired configuration. Ripley discloses substantially abutting one of the at least two of the plurality of modular base structures to an adjacent one of the at least two of the plurality of modular base structures such that the turf material layer of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of modular base structures. *See column 3, line 65 – column 6, line 66, and figures 1-3, 13, and 14 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a modular base structure for the modular unit of Prevost '096 wherein the modular base structure comprises a plurality of pallets fastened together in a rectangular configuration, to place at least two of the plurality of modular base structures on a relatively flat surface in a desired configuration, and to substantially abut one of the at least two of the plurality of modular base structures to an adjacent one of the at least two of the plurality of modular base structures such that the synthetic turf material layer of one of the at least two of the plurality of modular base structures is level with respect to the adjacent one of the at least two of the plurality of

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modular base structures, in light of the teachings of Ripley, in order to form an integrated turf.

Regarding the optional limitations of **claims 12, 15, 21, 22, and 29**, those limitations are obvious since they are only recited as being optional.

Regarding **claims 17, 24, and 31**, Prevost '096/Ripley discloses all of the claimed subject matter except for the synthetic turf material layer comprising a fibrillated synthetic grass surface selected from the group consisting of Thiolon XPS, Thiolon XP, and Thiolon LSR, or fastening the modular base structures/pallets utilizing 3/8 inch all-thread rods with coarse-thread hex nuts and 5/16 washers.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the fibrillated synthetic grass surface of Prevost '096/Ripley from Thiolon XPS, Thiolon XP, or Thiolon LSR because Applicant has not disclosed that making the fibrillated synthetic grass surface of Prevost '096/Ripley from Thiolon XPS, Thiolon XP, or Thiolon LSR and to fasten the modular base structures/pallets utilizing 3/8 inch all-thread rods with coarse-thread hex nuts and 5/16 washers provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the fibrillated synthetic grass of Prevost '096/Ripley and the fastener used to fasten the modular base structures/pallets to one another because they are suitable and durable for use as part of an integrated turf.

Therefore, it would have been an obvious matter of design choice to modify Prevost`096/Starp to obtain the invention as specified in claims 17, 24, and 31.

20. Claims 16, 27, 28, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prevost`096/Starp or Prevost`096/Ripley as applied to claim 12 above, and further in view of Prevost (US 2002/0136846).

Both Prevost`096/Starp and Prevost`096/Ripley as modified above each disclose all of the claimed subject matter except for the plurality of fibrillated synthetic grass strands comprising a plurality of fibrillated polyethylene grass strands, inlaying at least one feature within the synthetic turf material layer, or stenciling at least one feature within the synthetic turf material layer.

Prevost`846 discloses providing the plurality of fibrillated synthetic grass strands (18) as a plurality of fibrillated polyethylene grass strands inlaying (paragraph [0037]) at least one feature within the synthetic turf material layer, and it is inherent that a stencil is used to cut out at least one feature within the synthetic turf material layer [paragraph [0037]]. *See pages 2, 5, and figures 1 and 5 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the plurality of fibrillated synthetic grass strands of either Prevost`096/Starp or Prevost`096/Ripley as a plurality of fibrillated polyethylene grass strands, to inlay at least one feature within the synthetic turf material layer of either Prevost`096/Starp or Prevost`096/Ripley, and to inherently use a stencil to cut out at least one feature

within the synthetic turf material layer of either Prevost`096/Starp or Prevost`096/Ripley, in light of the teachings of Prevost`846, in order to provide an improved artificial grass surface allowing for simplified and cost efficient installation.

21. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Prevost`096/Starp or Prevost`096/Ripley as applied to claim 12 above, and further in view of Tomarin (4,637,942).

Both Prevost`96/Starp and Prevost`096/Ripley as modified above each disclose all of the claimed subject matter except for the plurality of fibrillated synthetic grass strands having a denier of at least 10,000, or the backing material comprising one or more layers of a double woven polypropylene backing material.

Tomarin discloses the plurality of fibrillated synthetic grass strands having a denier of at least 10,000 (col. 3, lines 3-9), and the backing material comprising one or more layers of a double woven polypropylene backing material (col. 2, lines 47-50). Tomarin provides a playing field which provides enhanced resiliency and impact force absorption and dispersion characteristics which is relatively simple and inexpensive to build and maintain. *See column 2, line 7 – column 3, line 25, and figures 1-2 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the plurality of fibrillated synthetic grass strands have a denier of at least 10000, and to make the backing material of Prevost`96/Starp or Prevost`096/Ripley from one or more layers of a double woven polypropylene backing material, in light of the teachings of Tomarin, in order to provide



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a playing field with enhanced resiliency, impact force absorption and dispersion characteristics that is relatively simple and inexpensive to build and maintain.

22. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prevost`096/Ripley as applied to claim 12 above, and further in view of Peterson (5,309,846).

Prevost`096/Ripley as modified above discloses all of the claimed subject matter except for introducing a fork of a forklift within an opening of least one of the pallets comprising one of the modular base structures.

Peterson discloses introducing a fork (31) of a forklift (16) within an opening of least one of the pallets (12) comprising one of the modular base structures in order to install and remove pallets to thereby assemble and disassemble a playing field. See *column 1, lines 58-68; column 2, lines 22 – 61; and figures 1-4 for further clarification.*

Therefore, it would also have been obvious to one having ordinary skill in the art at the time the invention was made to introduce a fork of a forklift within an opening of least one of the pallets of Prevost`096/Ripley comprising one of the modular base structures, in light of the teachings of Peterson, in order to install and remove pallets to thereby assemble and disassemble a playing field.

### ***Conclusion***

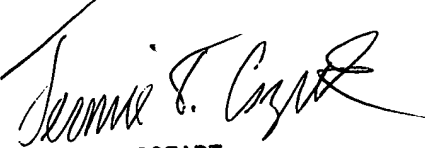
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show the assembly of synthetic grass fields.

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24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JERMIE E. COZART  
PRIMARY EXAMINER

July 18, 2006